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Education. Public Schools--Administrative Reform. Vouchers.

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Office of the Secretary of State
Tony Miller
Acting Secretary of State

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820
For Hearing and Speech Impaired
Only:
(800) 833-8683

#653

October 18, 1994

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (94269)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

EDUCATION. PUBLIC SCHOOLS--ADMINISTRATIVE REFORM. VOUCHERS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

1. Minimum number of signatures required 615,958
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Tuesday, 10/18/94
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Tuesday, 10/18/94
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Thursday, 03/16/95
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Tuesday, 03/28/95

(If the Proponent files the petition with the county on a date prior to 03/16/95, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).



- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Thursday, 04/06/95*
- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 05/18/95
- (If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 04/06/95, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).
- f. If the signature count is more than 677,554 or less than 585,161 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 585,161 and 677,554 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Sunday, 05/28/95*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 07/11/95
- (If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 05/28/95, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).
- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 07/15/95*

* Date varies based on receipt of county certification.

EDUCATION. PUBLIC SCHOOLS--ADMINISTRATIVE REFORM. VOUCHERS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

October 18, 1994

Page 3

4. The Proponent of the above-named measure is:

Ernest F. Scherer, Jr.
4056 Greenwich Drive
San Ramon, CA 94583

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; Bilofsky v. Deukmejian (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



CATHY MITCHELL
INITIATIVE COORDINATOR

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

October 18, 1994

FILED
In the office of the Secretary of State
of the State of California

OCT 17 1994

Tony Miller
Acting Secretary of State
1230 J Street
Sacramento, CA 95814

TONY MILLER
Acting Secretary of State
[Signature]
Deputy

Re: Initiative Title and Summary
Subject: EDUCATION. PUBLIC SCHOOLS -- ADMINISTRATIVE REFORM. VOUCHERS.
INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 94 RF 0019

Dear Mr. Miller:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

[Signature]
KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: October 18, 1994
File No: SA94RF0019

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

EDUCATION. PUBLIC SCHOOLS -- ADMINISTRATIVE REFORM.

VOUCHERS. INITIATIVE CONSTITUTIONAL AMENDMENT. Eliminates State

and County Boards of Education, State Superintendent of Public Instruction,

Commission on Teacher Certification, County School Superintendents. Creates state

and county "Departments of Education." Authorizes local elections to convert public

schools into relatively independent schools, generally exempt from Education Code.

Eliminates constitutional ban on supporting religious schools with public money.

Restricts new regulation of private schools. Provides state-funded vouchers to students

at qualifying private and religious schools. Regulates public school funding; teacher

certification, discipline, and salaries; achievement testing; minimum school day and year.

Limits teachers' tenure, collective bargaining rights. Summary of estimate by Legislative

Analyst and Director of Finance of fiscal impact on state and local governments:

Fiscal effect largely unknown, and depends on implementation, public response, and

legal interpretation. Long-term costs to state General Fund in excess of \$1 billion

annually, with increasing costs each year. One to two year savings up to \$100 million

annually. Costs to local education agencies in the billions of dollars annually to provide

child care, increase teacher salaries, and comply with other provisions. Unknown

school construction costs and savings to state and local governments.

SA94RF0019
Amndt #1

August 19, 1994

Ernest F. Scherer Jr
4056 Greenwich Drive
San Ramon, CA 94583

RECEIVED
AUG 22 1994
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Hon. Daniel E. Lungren
Attorney General
1515 K Street, Suite 511
Sacramento, CA 95814

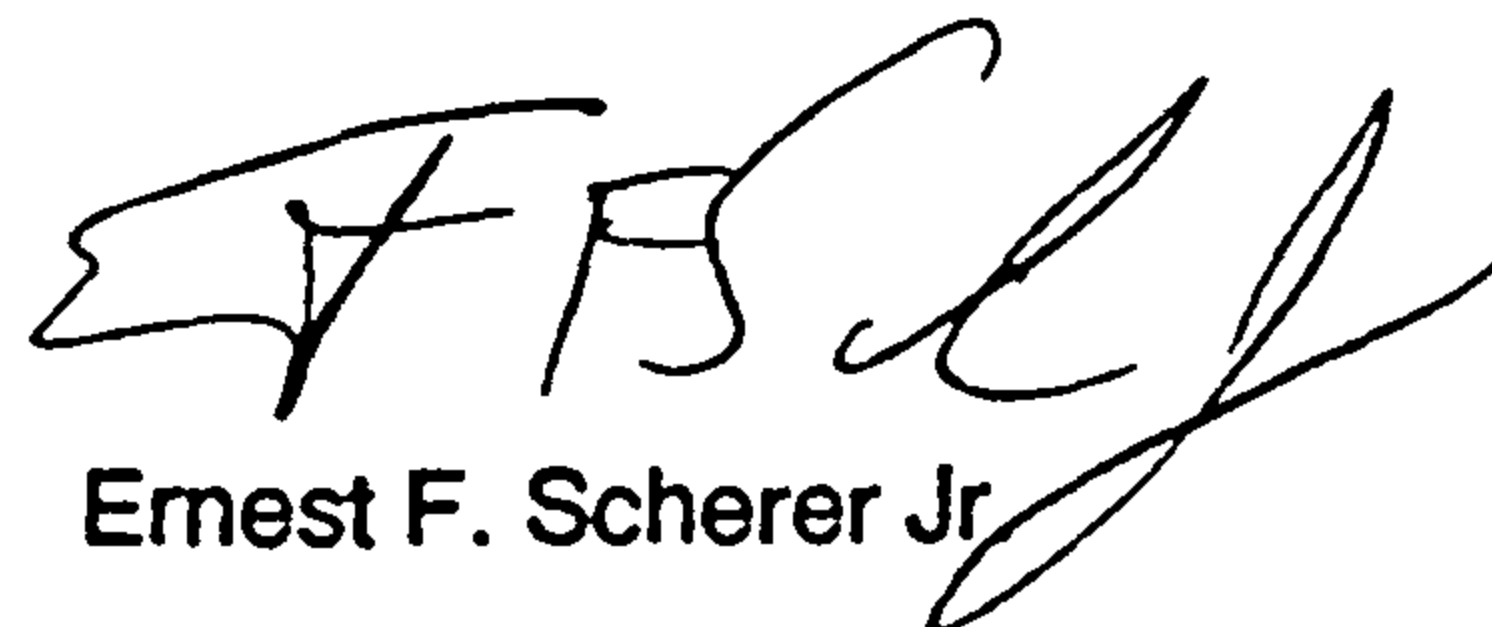
Attention: Ms. Kathleen F. DaRosa, Initiative Coordinator

Re: New Community-Based Public Schools Initiative
Amendment No. 1.

Dear Attorney General Lungren:

Enclosed please find amended text of the New Community-Based Public Schools Initiative. This amends the currently in-process text, not SA 93 RF 0037 for which you are issuing a Title and Summary. I continue my request for a title and summary for the new text under Cal. Const. Art. II, Section 10(d).

This amendment results from a conversation I had Friday, August 18th with Paul Werner of the Legislative Analyst's Office regarding problems with the existing text and is not the result of continuing work on the initiative. We did not plan, and do not now plan, additional amendments except in response to the Legislative Analyst's comments.



Ernest F. Scherer Jr

Community Based Public Schools Initiative

August 19, 1994

Article IX is amended by repeal of Sections 2 through 8 inclusive, except as stated herein, and addition of the following new Sections:

Section 2. State Department of Education. The offices, staffs and functions of the State Superintendent of Public Instruction, Commission on Teacher Certification, and State School Board shall be terminated on the first June 30 following passage hereof and shall be replaced by a State Department of Education under the direction of the Governor.

Section 2.1 The total annual expenditures of the State Department of Education shall not exceed .5% of minimum K-12 funding under Proposition 98. School and teacher licensing fees shall not exceed the approximate actual cost of administering these functions and these costs shall be included in the expenditure cap. The Department shall (1) certify teachers and administrators, (2) hire private vendors exclusively to insure compliance with school laws and regulations, (3) set standards for an annual machine-scored achievement test administered at all grades from 1 to 12, and select the private vendor which shall administer this test, (4) perform such other duties as the legislature shall determine are in the best interests of the children of California.

Section 2.2 Teacher Certification. The State Department of Education shall certify teachers for employment who are either (1) licensed in other states and have 3 years of relevant teaching experience or (2) have a bachelor's degree from an accredited four year college or university and one year of experience in a college supervised teacher apprenticeship program or (3) are currently licensed by California; and do not have a record of felonious or unprofessional conduct or child abuse.

Section 3. County Department of Education. On the first June 30 following passage hereof each County Superintendent of Schools, County School Board and their offices and staffs shall be terminated and replaced by a County Department of Education under the control of each Board of Supervisors which shall be responsible for: (1) insuring the provision of adequate school facilities within the County, (2) contracting for provision of Special Education Services, (3) managing the Building, Equipment and Insurance Reserve Fund for CBPS's, (4) overseeing the disposition of former school district and County Office of Education buildings and equipment, (5) coordinating student transportation, (6) operating a secure school or schools as provided in Section 4 of this Article, and (7) such other functions as the County Board of Supervisors shall determine to be in the best interests of the children of the county. Each County Department of Education's total annual expenditures, which shall not include the cost of contracts for Special Education Services, shall not exceed 1% of total County's K-12 minimum expenditures as specified in Proposition 98 as amended.

Section 3.1. Building, Equipment and Insurance Reserve Fund. Each County Department of Education shall establish and maintain a Building, Equipment and Insurance Reserve Fund funded by payments from CBPS's as set forth in Section 5 of this Article. These funds provide self-insurance against losses, and these needs take priority over building and equipment expenditures. After insurance needs are met annually, 75% percent of the balance shall be allocated to the Building Reserve and 25% shall be allocated to the Equipment Reserve. Building Reserve funds can only be used to build new schools or renovate schools 25 or more years old, and cannot be used for school maintenance. Equipment Reserve funds can only be used to purchase equipment. The County shall control disbursements from the Building Reserve. Each school shall have the first right to spend 90% of its pro rata Equipment Reserve contribution. The Department of Education shall retain that portion of the remaining 10% necessary to equip new schools and release the balance to contributing schools pro rata as contributed.

Section 3.2. School Construction and Renovation. Cities and Counties may not approve any residential development unless necessary school capacity is fully financed and all plans are in place to provide necessary school facilities. School impact fees charged by cities and counties shall not exceed the cost of providing such facilities and shall not be limited by the Legislature.

Section 4. Safe Schools. Each public school and CBPS shall provide sufficient safe, supervised inside space as demand requires for students from at least 7:30 AM until 5:30 PM each school day without charge. Each County Department of Education shall designate or establish at least one special school for middle grade students and at least one special comprehensive high school to which students that are determined to represent a threat to other students, are repeatedly disruptive in school, or sell illegal substances at a public school or CBPS shall be assigned. Each County Department of Education shall provide sufficient student capacity to accomodate all students assigned to these schools. The County Sheriff shall maintain an orderly environment in these special schools.

Section 5 is not repealed and the following Sections 5.1 through 5.9 are added to Section 5:

Section 5.1 Community Based Public Schools. A new, unique public school district, referred to herein as a Community Based Public School (CBPS), shall be created by the majority vote of the electors residing in the attendance area of an existing public school facility as of June 30, 1994 or customary single-school attendance areas created thereafter. CBPS conversion elections shall be held on each of the first three November elections days following passage hereof for all public school facilities that are not CBPS's; and at the next regularly scheduled election following submission of petitions signed by 5% of the electors in a public school attendance area following normal election procedures.

Section 5.2 Governance. Each CBPS shall be governed by an elected board of five trustees, each serving a term of 4 years. Trustees shall serve without compensation. Trustees shall have the legal obligations and protections afforded other elected officials under state law. Trustees shall be elected in even year November elections, two in presidential election years, except that all five shall be elected initially in accordance with established law and procedures at an election on the first Tuesday following the first Monday of the first June following a November election vote to convert to a CBPS. The County Board of Supervisors shall appoint trustees as necessary if fewer than five candidates seek election at any CBPS. Conversion to a CBPS shall occur on the next July 1st following the scheduled election day of the trustees regardless of the method by which trustees are selected.

Section 5.3 CBPS Local Control. The CBPS Board of Trustees shall make all curriculum, textbook, instructional philosophy, hiring, and vendor selection decisions, all of which shall be of public record. The Board may hire a principal or hire a private vendor to manage a CBPS. CBPS's shall give priority in admissions to students of appropriate age residing within the district, except previously expelled students. A CBPS shall receive its prorata share of special local operating tax revenue, such as parcel tax revenue, on a per student basis.

Section 5.4 Standards for Community Based Public Schools. A CBPS must meet the following standards: (1) Provide an enriched program including school sports and clubs with state funding provided herein as full funding for each enrolled student. (2) Provide each student with at least 350 minutes of instruction on 200 days per school year; except that kindergarden students shall have 180 minutes of instruction per day and first and second grade students may have 60 minutes less instructional time per day if a split-reading schedule is used. Instructional minutes shall include normal recess time in elementary schools but not passing time in middle schools and high schools for the purposes of this subsection. (3) Make readily available to the public: (a) the annual achievement test results, by subject and grade level, for the last three years where possible, (b) a summary of curriculum, course content, philosophy on grouping of students and instructional methods, (c) the school budget for the current year, and (d) the most recent available prior year audited financial statement. (5) Make annual rent, fee and reserve payments in amounts indexed to be a constant percentage of CBPS formula funding levels per student using 1994-95 as the base year for both amount and indexation purposes: (a) annual state licensing fees at \$5 per student, (b) Pay annual rent of \$300 per student capacity of the school to the County Department of Education, (c) Building, Equipment and Insurance Reserve Fund payments to the County Department of Education of \$150, \$250 and \$275 per student for K-5, 6-8, and 9-12 grades respectively, and (d) a Controller's Office processing fee not to exceed \$1 per student. (6) Establish teacher contracts that: (a) pay teachers a salary as determined in Section 6 of this Article, for working the herein specified instructional days per year for all teachers, with per day instructional minutes of at least: elementary - 400, secondary, non-academic subjects - 350, secondary English - 250, other secondary academic subjects - 300. All teachers work two additional hours per week as needed, (b) the school pays for a substitute teacher for a teacher absent because of illness or injury up to 10 days

per school year, an absent teacher pays for a substitute teacher in other cases, (c) provide that employees may select either the existing retirement system or select a defined-contribution plan with variable benefit into which the employee pays not less than 5% and not more than 8% of salary, which contribution is matched by the employer, (d) provide a variety of health care benefit choices to all employees and require employees to pay 20% of the cost of selected coverages, (e) provide for mandatory attendance by teachers at five days of inservice training and one day before and one day after each school year, for a total of seven non-instructional days per year in addition to the herein specified instructional days per year, for a total of at least 207 work days per year (f) do not divert school funds to support groups such as employee unions with salary, administrative support or release time from work for school employees, and (g) include annual merit pay bonuses for teachers. (7) Spend, as restricted funds, on books and supplies an annual amount per student of \$120 for elementary school, \$200 for middle school and \$300 for high school which amounts shall change annually by indexation to revenue per student with 1994-95 as the base year. (8) High schools require at least four years of English, three years each of math, science and history/social studies, and one-half year each of geography, computer applications and economics for graduation. Vocational training classes which include applied math and science can be counted for math and science requirement purposes in junior and senior years. (9) CBPS's shall pay their prorata share of debt service on outstanding bonds and shall assume responsibility for student transportation for their students. (10) Provide a curriculum that includes, as an integral part, instruction in moral and ethical behavior and the values that define us as a nation.

Section 5.5 Conflict of Interest. CBPS's may not contract with any vendor, purchase from any supplier, or hire any individual where such individual, supplier or vendor, or any beneficial interest holder therein, is a member of the immediate family of any employee or board member of the school. School employees and members of their immediate family may not serve on the board of an employing CBPS and may not contribute to, or work on, the campaign of any candidate for the board of the CBPS where they work.

Section 5.6 Overlapping Districts. CBPS's may have overlapping districts for students of the same age.

Section 5.7 Priorities. CBPS's shall meet books and supplies and employee salary and benefit obligations as their highest priorities. If funding is inadequate to meet all obligations, CBPS's may, upon adoption of a Declaration of Emergency by the board, not fully fund Building, Equipment, and Insurance Reserve Fund payment obligations. The State Department of Education may appoint a trustee to replace the board and assume control of a school operating under such Declaration of Emergency and shall revoke the license and close any CBPS that does not return to fully funding its obligations within 3 years.

Section 5.8 The State Department of Education and County Departments of Education shall be established on the July 1st following passage hereof and shall be funded by the Legislature. CBPS's shall be exempt from all existing California Education Code pertaining to operation of K-12 public schools except those provisions setting school construction standards and those mandated by federal law.

Section 5.9 No post retirement health benefits or other benefits or compensation shall be paid by the state or any state school agency to, or on behalf of, anyone who is not an employee thereof, except those retiring prior to January 25, 1977 who earned such benefits prior to that date.

The minimum annual teacher salary in Section 6 shall be increased from \$2,400 to \$25,000 and shall thereafter be indexed to average state per student minimum funding under Proposition 98, as amended, based on the 1994-95 rate. Section 6 1/2 shall become and replace existing Section 8. Sections 6.1 through 6.6 shall be added as follows:

Section 6.1 CBPS Employee Relations. Each CBPS shall offer employment to not less than 75% of prior year full time teachers at that facility at a guaranteed salary of 110% of their individual 1994-95 basic (ie. exclusive of any stipends, overtime or other compensation for work beyond the regular classroom instructional job) salary schedule compensation rate; or the Section 6 minimum rate, whichever is higher. All CBPS teachers shall be eligible to receive annual merit pay bonuses, which bonuses shall be awarded on objective criteria including as a major component achievement test results of students.

Section 6.2 CBPS's shall offer teachers a variety of benefit package options. The employer cost of benefits excluding retirement for each employee shall not exceed 13% of the average teacher salary,

which amount does not include the 20% employee participation in cost.

Section 6.3 Principals and Assistant Principals may be hired by CBPS boards for periods not exceeding three years. Maximum guaranteed Principal and Assistant Principal compensation shall be 300% and 200% respectively of minimum guaranteed teacher compensation. Compensation for Assistant Principals and Principals shall not be a negotiable subject with any employee association or union.

Section 6.4 CBPS's shall pay Classified Employees compensation based solely on the labor market rate for the services they provide. CBPS Teachers, Principals, Assistant Principals and Classified Employees shall be offered the same benefit. CBPS employee compensation, including benefits, is a non-negotiable subject with all employee associations and unions.

Section 6.5 Disputes between CBPS's and an employee or employee union may be submitted to binding arbitration by either party. In teacher dismissal cases the CBPS shall have the rebuttable presumption of cause to dismiss. CBPS employees can not be required to pay any dues or fees to any employee organization of any kind whatsoever as a condition of employment.

Section 6.6 Requirements of all Public Schools. In all public schools, including CBPS's, tenure, progressive discipline, or any other provision of law or agreement that grants teachers employment protection beyond the protections afforded California private sector employees by law is repealed and prohibited. Employee evaluation procedures can not be negotiated with employee associations or unions or similar groups. Except for first year classes for non-English speaking students that schools individually elect to provide and foreign language classes, all instruction shall be solely in English.

Sections 7 and 7.5 are repealed and replaced as follows:

Section 7. County Departments of Education shall expeditiously sell all surplus school related facilities and shall place the proceeds in the Building Replacement Reserve Fund. Sale proceeds shall be used exclusively to funding construction and renovation of schools within the County. County Departments of Education may issue "Sale Proceed Anticipation Notes" (SPAN's) for up to 50% of the appraised value of facilities to be sold by each county for funding immediate facility needs resulting from the longer school year at CBPS's.

Section 7.1 The state shall provide public schools with funding restricted to the purchase of textbooks reasonably sufficient to afford all students with free textbooks for normal K-12 studies.

Article XVI. Section 8.5 is amended and Sections 8.6 and 8.7 are added as follows:

Amendment to Section 8.5. The words "and the Superintendent of Public Instruction mutually" are deleted and the word "determine" is changed to "determines" in Paragraph (a) (1) thereof.

Section 8.6. CBPS Funding. Funds shall be apportioned to each CBPS per quarter of each school year per registered attending student. The following annual percentages of the Base Rate shall be used to apportion funds to CBPS schools for all students except those of "greater need": Kindergarten at 60%, Grades 1-5 at 88%, Grades 6-8 at 96%, Grades 9-12 at 99%. The Base Rate shall be the annual minimum funding per K-12 public school student under Proposition 98, as amended. CBPS students of "greater need" shall be funded at the rate of 110 percent of the rate for comparable other students. A student of "greater need" shall be defined as: 1) Any K-12 school age child whose family is presently among the poorest 15 to 20 percent of California families with school age children or who, within the last three years, has qualified for additional state or federally funded educational assistance under the above definition. Within this range, the Legislature shall fix the approximate number of students in this class and for convenience may identify such children through existing programs in which eligibility is based upon family means, or 2) Any K-12 school age child with learning challenges greater than those born by the average child and who is not qualified for special education assistance funded by California's Special Education for the Handicapped allocation. In no case shall more than 25% of all K-12 students be classified as "greater need" students for funding purposes under this Section. The Controller shall apportion funds to CBPS's once every quarter of the school year based on registered attending students at the beginning of each respective school year quarter. The Controller's Office shall issue CBPS warrants monthly to all employees and vendors. Schools shall pay the Controller's office a fee not to exceed \$1 per student per year to cover the actual cost of this work.

Section 8.7. Scholarship Fund. The State shall create a K-12 Private School Scholarship Fund funded entirely from Proposition 98 mandated general fund revenue. The State shall annually place in this fund an amount equal to 7% of Proposition 98, as amended, minimum K-12 funding per student for each student attending a CBPS, plus an amount equal to 75% of Proposition 98, as amended, mandated K-12 public school spending per student for each student attending bone fide private schools state wide in excess of the number of students enrolled in such private schools during the 1994-95 school year.

Section 8.8. Private School Participation. Students attending private schools of not less than 25 students shall be individually eligible for state scholarships equal to the lesser of 1) per student funding of CBPS's or 2) their tuition and fees for instruction that is nondemoninational and nonsectarian or 3) 80% of the rate of state funding of comparable students in public schools; if the school they attend meets CBPS requirements for (a) length of school day and year, (b) accountability, (c) non-discrimination, except that single sex schools are eligible; (d) a curriculum that includes, as an integral part, instruction in moral and ethical behavior and the values that define us as a nation, and documents that the cost of any sectarian or denominational instruction and materials are fully paid from sources other than public scholarship funds. Classroom space and equipment may be use for sectarian or denominational instruction. The scholarship amounts shall be computed each year as the total available in the Private School Scholarship Fund divided by the number of eligible applying students scaled by grade level so that the scholarship amount is an equal percentage of CBPS funding amounts per student at the respective grade levels. Any unused scholarship funds and any unused Prop 98 mandated K-12 school funds shall be transfered to the State School Building Fund annually. All transfers to the Private School Scholarship Fund and Building Fund under this section shall be included when computing the Prop 98 minimum funding guarantee, except that funds transfered to the Scholarship Fund and subsequently to the Building Fund shall not be counted twice toward the Prop 98 minimum funding guarantee.

Section 8.9 No regulation of private schools beyond that required by this amendment or existing law on January 25, 1994 shall be enforceable unless enacted by a three-fourths (3/4) vote of the legislature or, alternatively, as to any regulation pertaining to health, safety or land use imposed by any agency of the State, by a two-thirds (2/3) vote of the governing board and people within the affected jurisdiction.

General Provisions.

Implementation. The provisions of this initiative shall be implemented as rapidly as possible. Agencies of the State are prohibited from taking any action which delays implementation of this initiative or any provision thereof. Any delay in implementation shall not invalidate this initiative or any provision thereof. The Legislature shall implement this initiative through legislation consistent with the terms and purposes of this initiative.

Limitation of actions. Any action or proceeding contesting the validity of this initiative, any provision of this initiative or the adoption of this initiative shall be commenced within six months of the date of the election at which this initiative is approved; otherwise this initiative and all of its provisions shall be held valid, legal and uncontestable. However, this limitation shall not of itself preclude an action or proceeding to challenge the application of this initiative or any of its provisions to a particular person or circumstance.

Severability. If any provision of this initiative or the application thereof to any person or circumstance is held invalid, the remaining provisions or applications shall remain in force. To this end, the provisions of this initiative are severable.

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